

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Gerald Lee Scott,)	
)	C/A No.: 8:06-3484-MBS
Plaintiff,)	
)	
vs.)	
)	
Thomas Edwards, Georgetown County)	ORDER
Administrator; and Lane Cribb, Sheriff)	
of Georgetown County,)	
)	
Defendants.)	
)	

Plaintiff Gerald Lee Scott is a pretrial detainee at the Georgetown County Detention Center (GCDC). Plaintiff, appearing pro se, brings this action pursuant to 42 U.S.C. § 1983, alleging claims of “ineffective counsel,” “lack of bail bond,” “overcrow[d]ed jail condition,” “no access to law book,” “lack of court sessions,” “die[t]ary problems,” “one hour recreation,” “mold and mildew growing on the walls,” delay in receiving mail, and prohibition against the use of ink pens. See generally Complaint, pp. 3-4.

This matter is before the court on motion to dismiss or for summary judgment filed by Defendants on May 14, 2007. On May 14, 2007, an order was issued pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), advising Plaintiff of the summary judgment procedure and the possible consequences if he failed to respond adequately. Plaintiff failed to respond to the motion for summary judgment. On July 27, 2007, an order was issued granting Plaintiff until August 20, 2007 to file a response to the motion for summary judgment. Plaintiff was advised that failure to do so would subject this action to dismissal for failure to prosecute. See Fed. R. Civ. P. 41(b). Plaintiff filed a response on October 1, 2007.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred

to United States Magistrate Judge Bruce H. Hendricks for pretrial handling. On November 14, 2007, the Magistrate Judge filed a Report and Recommendation in which she recommended that Defendants' motion for summary judgment be granted. Plaintiff filed no response to the Report.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has thoroughly reviewed the record. The court concurs in the Report and Recommendation of the Magistrate Judge and incorporates it herein by reference. Accordingly, Defendants' motion for summary judgment (Entry 18) is granted and the case dismissed, with prejudice.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

January 7, 2008.
Columbia, South Carolina

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.